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11 Attorneys for Plaintiff and the Proposed Class

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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 PHILLIP NGHIEM, individually and
16 on behalf of a class of similarly
situated individuals,

17 Plaintiff,

18 v.

19 DICK'S SPORTING GOODS, INC.,
20 ZETA INTERACTIVE
21 CORPORATION, and DOES 1-10,

22 Defendants.

Case No.: 8:16-cv-00097

Assigned to Hon. Cormac J. Carney

23 **DECLARATION OF IAN P. SAMSON**
24 **IN SUPPORT OF PLAINTIFF'S**
25 **OPPOSITION TO DEFENDANT'S**
26 **MOTION TO COMPEL**
27 **ARBITRATION AND STAY**
28 **LITIGATION**

Date: June 13, 2016

Time: 1:30 p.m.

Place: Courtroom 9B

Complaint Filed: January 22, 2016

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DECLARATION OF IAN P. SAMSON

I, Ian P. Samson, declare as follows:

1. I am an attorney with the law firm of Engstrom, Lipscomb & Lack and counsel of record for Plaintiff Phillip Nghiem in this matter. I have personal knowledge of the matters set forth herein and, if called as a witness, I could and would testify to the matters stated herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the Deposition of Patrick Daley, which I took in this matter in Pittsburgh, Pennsylvania on May 10, 2016.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the Deposition of Elizabeth Baran, which I took in this matter in Pittsburgh, Pennsylvania on May 10, 2016.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the Deposition of Plaintiff Phillip Nghiem, which was taken in this matter in Los Angeles, California on May 3, 2016.

5. Attached hereto as **Exhibit 4** is a true and correct copy from the Court's PACER system of the Declaration of Kevin Khoa Nguyen in Opposition to Defendant's Motion to Compel Arbitration filed on June 26, 2012 in the matter of *Nguyen v. Barnes & Noble, Inc.*, No. 8:12-cv-0812-JST (C.D. Cal.) (Staton, J.).

6. Attached hereto as **Exhibit 5** are true and correct copies of screenshots of the homepage of Defendant Dick's Sporting Goods, Inc.'s website (<http://www.dickssportinggoods.com/home/index.jsp>) as it appeared on May 18, 2016.

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1 I declare under penalty of perjury under the laws of the state of California that the
2 foregoing is true and correct.

3 Executed this 23rd day of May, 2016 at Los Angeles, California.

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IAN P. SAMSON

CERTIFICATE OF SERVICE

The foregoing Declaration of Ian P. Samson in Support of Plaintiff's Opposition to Defendant's Motion to Compel Arbitration has been served via the Court's ECF system, which will send notification to counsel in this case.

Dated: May 23, 2016

ENGSTROM, LIPSCOMB & LACK

/s/ Ian P. Samson

Ian P. Samson, Esq.